

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BENNIE E. BARNES,

Plaintiff,

v.

COURT OF COMMON PLEAS and  
DISTRICT ATTORNEY ERIE COUNTY,

Defendants.

Civil Action No. 09-151

**MEMORANDUM ORDER**

This civil rights action was received by the Clerk of Court on June 23, 2009, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 4], filed on July 20, 2009, recommended that Plaintiff's complaint be dismissed without prejudice to Plaintiff's right to pay the filing fee of \$350.00 before August 1, 2009. Plaintiff was allowed ten (10) days from the date of service to file objections and service was made on Plaintiff by certified mail. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 12<sup>th</sup> day of August, 2009;

IT IS HEREBY ORDERED that Plaintiff's complaint is DISMISSED without prejudice for failure of Plaintiff to pay the filing fee of \$350.00 before August 1, 2009.

The Report and Recommendation [Doc. No. 4] of Magistrate Judge Baxter, filed on July 20, 2009, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge